

JOHN L. BURRIS, Esq./ State Bar # 69888
 LAW OFFICES OF JOHN L. BURRIS
 7677 Oakport Street, Suite 1120
 Oakland, CA 94621
 Telephone: (510) 839-5200
 Facsimile: (510) 839-3882
 E-Mail: John.burris@johnburrislaw.com

GAYLA B. LIBET, Esq./ State Bar # 109173
 LAW OFFICES OF GAYLA B. LIBET
 486 41st Street, Suite 3
 Oakland, CA 94609
 Telephone and Facsimile: (510) 420-0324
 E-Mail: Glibet@sbcglobal.net

Attorneys for Plaintiff

MICHAEL C. WENZEL, Esq./ SB # 215388
 BERTRAND, FOX & ELLIOT
 2749 Hyde Street
 San Francisco, CA 94109
 Telephone: (415) 353-0999
 Facsimile: (415) 353-0990
 E-Mail: Mwenzel@bfesf.com

Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

SAMANTHA MARIE TURNER, by and) Case No.: C10-03927 MEJ
 through her guardian ad litem, DIANA LYNN)
 TURNER,)

Plaintiff,)
 vs.)

COUNTY OF ALAMEDA, a governmental)
 entity; GREGORY J. AHERN; in his capacity)
 as Sherifff for COUNTY OF ALAMEDA;)
 MICHAEL GALLARDO, individually, and in)
 his capacity as a deputy sheriff for COUNTY)
 OF ALAMEDA; and, DOES 1-25,inclusive,)

Defendants.)

**STIPULATION AND [PROPOSED] ORDER
 CONTINUING EXPERT DISCLOSURE
 AND MEDICAL EXAMINATION
 DEADLINES**

1 Defendants COUNTY OF ALAMEDA, SHERIFF GREGORY AHERN and DEPUTY
2 SHERIFF MICHAEL GALLARDO and plaintiff SAMANTHA MARIE TURNER, by and
3 through her guardian ad litem, DIANA LYNN TURNER, by and through their respective
4 attorneys of record, hereby stipulate as follows:

5 1. Pursuant to the Court's Order, dated 12-3-10, the following discovery and
6 dispositive motion deadlines were set:

7 (A) Disclosure of Expert Witnesses and Expert Reports to be served by 8-5-11;

8 (B) Disclosure of Rebuttal Expert Witnesses to be served by 8-15-11;

9 (C) Expert and Non-Expert Discovery to be completed by 8-30-11;

10 (D) Motions to Compel Discovery shall be filed by 9-9-11, which is ten (10)
11 days after the discovery cut-off date of 8-30-11;

12 (E) All Dispositive Motions shall be filed, served, and noticed by 9-29-11;

13 (F) The Court shall hear dispositive motions on 11-3-11 at Courtroom B,
14 15th Floor, Federal Building, 450 Golden Gate Avenue, S.F., CA 94102;

15 2. The Court's Order Setting Initial Case Management Conference and Deadlines
16 required the parties to exchange Initial Disclosures on or before December 2, 2010. The parties
17 stipulated to exchanging Initial Disclosures no later than December 8, 2011. Defendants served
18 Initial Disclosures on December 8, 2011.

19 3. Plaintiff contends she served her Initial Disclosure Statement on 12-20-10; and
20 served Plaintiff's Amended Disclosure Statement on 7-1-11. This disclosure statement contained
21 several health care providers that defendants had not been previously aware of, and other
22 materials which plaintiff's counsel had recently obtained from plaintiff and her mother, Diana
23 Lynn Turner.

24 4. Defendants contend they never received plaintiff's Initial Disclosures, and first
25 received Disclosures of any kind on July 1, 2011 in the form of Amended Initial Disclosures.

26 5. Defendants propounded Interrogatories and Requests for Production of
27 Documents on plaintiff on January 14, 2011. Plaintiff was provided a two week extension of
28 time to respond. Defense counsel was advised April 13, 2011 that responses would be provided

1 by April 18, 2011. No responses were received. Defense counsel agreed that defendants would
2 not seek to compel responses prior to May 30, 2011, but provided no further extensions.

3 6. On May 4, 2011, defendants propounded Requests for Admissions to plaintiff.
4 Plaintiff's responses were due June 8, 2011.

5 7. Plaintiff provided responses to Interrogatories, the Requests for Production of
6 Documents and the Request for Admissions via e-mail on July 1, 2011.

7 8. Plaintiff propounded a Request for Production of Documents and Special
8 Interrogatories on Defendants on March 25, 2011. Plaintiff provided defendants extensions of
9 time to respond to discovery until May 30, 2011. Responses were served May 30, 2011.

10 9. Defendants did not serve documents with their Responses to Plaintiff's Request
11 for Production of Documents, and have not yet served any responsive documents. In that regard,
12 counsel has prepared and will be submitting to the Court a Stipulated Protective Order that will
13 enable defendants to serve documents responsive to Plaintiff's Request for Production of
14 Documents.

15 10. Because defendants did not receive plaintiff's discovery responses until July 1,
16 2011, they were unable to schedule plaintiff's deposition. That deposition is now scheduled for
17 August 18, 2011.

18 11. Defendants intend to file a dispositive motion by September 29, 2011.

19 12. Defendants intend to have plaintiff seen by a mental health expert based on her
20 claims of emotional distress. Additional defense medical experts, including a neurologist, may be
21 required, but defendants will be unable to determine the scope of necessary examinations until
22 after plaintiff's deposition on August 18, 2011. Plaintiff has agreed to stipulate to a mental health
23 examination and the parties will meet and confer further regarding additional examinations after
24 plaintiff's deposition is taken on August 18, 2011.

25 13. Plaintiff has not yet obtained complete medical records or billing statements,
26 although they have been requested from the relevant health care providers;

27 14. There are at least two treating physicians whose depositions will be taken. The
28 physicians have not yet confirmed dates in August on which they will be available for their

1 depositions.

2 15 Plaintiff will also be filing a Stipulation and Proposed Order on behalf of Diana
3 Lynn Turner as Guardian Ad Litem for Plaintiff, Samantha Marie Turner Revoking Diana Lynn
4 Turner's Power of Attorney to Act for Plaintiff, Samantha Marie Turner;

5 16. The matter has not been referred to any form of ADR. The parties have discussed
6 informal resolution and request they be referred to a Magistrate Judge for a settlement
7 conference between September 1 and November 4, 2011. Scheduling a Settlement Conference
8 within this time frame could result in parties not bearing the cost of retaining experts and
9 scheduling costly medical examinations should the case settle prior to 11-30-11, the date for
10 disclosure of expert witnesses.

11 17. For all the good cause reasons stated above, the parties respectfully request this
12 Court:

- 13 a. extend the deadline for expert disclosures until November 30, 2011;
- 14 b. extend the deadline for completion of expert depositions to
15 December 21, 2011;
- 16 c. extend defendants' deadline to have plaintiff submit to a mental and, if
17 necessary, physical examination and, if necessary, to compel that
18 examination until November 30, 2011.
- 19 d. Refer the parties to a Magistrate Judge and schedule a Settlement
20 Conference after the close of non-expert discovery on August 30, 2011
21 and before November 4, 2011.

22 18. Pretrial documents are due on 1-19-12, and the scheduled date for Trial is 3-5-12.
23 Therefore, the parties' request for extension of deadlines should not interfere with the presently
24 scheduled pretrial and trial dates set by the Court. The parties have submitted no prior
25 stipulations to alter any deadlines set by the Court.

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19. The parties respectfully request that the Court approve this stipulation and incorporate its terms in an Order.

IT IS SO STIPULATED.

Respectfully submitted,

LAW OFFICES OF GAYLA B. LIBET

Dated: 7-28-11

By: /s/ Gayla B. Libet, Esq.
Gayla B. Libet, Esq.
Attorneys for Plaintiff

LAW OFFICES OF JOHN L. BURRIS

Dated: 7-28-11

By: /s/ John L. Burris, Esq.
John L. Burris, Esq.
Attorneys for Plaintiff

BERTRAND, FOX & ELLIOT

Dated: 7-28-11

By: /s/ Michael C. Wenzel, Esq.
Michael C. Wenzel, Esq.
Attorneys for Defendants

ORDER

GOOD CAUSE APPEARING THEREFORE, and the parties' having stipulated to same, the parties' stipulation is hereby APPROVED. The deadline for expert disclosures shall be continued to November 30, 2011. The deadline for completion of expert depositions shall be continued to December 21, 2011. Defendants' deadline to have plaintiff submit to a mental and/or medical examinations and, if necessary, to compel those examinations is continued until November 30, 2011.

IT IS SO ORDERED.

DATED: July 29, 2011



HONORABLE MARIA-ELENA JAMES
Chief United States Magistrate Judge